

TRIBAL COUNCIL MOTIONED TO OPEN ON 6/14/09

~~CLOSED SESSION~~ MINUTES

DATE: 02/20/2000

There has been concern of Councilor Wasocki that her time and travel has been monitored by Councilor Shanaquet.

Councilor Wasocki: It is not the travel. I have a problem with the time sheet.

Her time sheets have been pulled from personnel files, however, they are getting reviewed by Councilor Shanaquet and Susan has raised an objection to that. So can you speak about this?

Councilor Wasocki: Yes, I was told that Rita told Jeff in Audrey's presence in her office that she had been reviewing my time sheets, and that she believes that I was paid 80 hours and I did not work 80 hours. I went to Patty to find out if she had given her my time sheet and she said no. She said that my check deposit showed no reason to check my time sheet. I asked her how you would get access to the time sheets and she said that she is the only one who has access to that, and they are in a locked file cabinet. I called Rita about it. She said that she did look at my time sheet, but she refused to tell me who gave her my time sheet or what gave her the authority; other than she said that another tribal councilor gave her the authority to review my time sheet.

Rita: No I did not say that, I am sorry. I said that another councilor asked me to do that, which gave me the directive, that's the word.

Well, regardless this is the issue and Rita can comment...

Rita: The question came up about her collection of a stipend for the day that Roger was here and she charged her time that day to the tribe, and that was the question. The question came up when her stipend check was signed.

Question: So the stipend check was signed and then her work hours were paid on top of the stipend check?

Rita: Yes.

Councilor Wasocki: I had travel time and I flexed the day on Friday. I wasn't being charged law enforcement time for Friday. I returned from a trip on Friday. I had flexed Friday off. I wasn't working for law enforcement on that Friday. I received a stipend for the Roger Akins, and actually I don't think I received a stipend for Friday. No it was Friday, because I was gone Thursday overnight in Lansing. I did not charge law enforcement for Friday.

022000 ~~CLOSED SESSION~~ MINUTES

Rita: Well the only thing I looked at was you had worked 80 hours and I was trying to tell this person that it was taken care of.

Councilor Wasoski: What I have a problem with is that if you have a question about my time sheet because you told me that you looked at my time sheet. Now, if you did not get it from Patty and you refused to tell me how you got it; then you either went into a locked file cabinet and accessing my personnel file

Rita: No, I did not get into your personnel file and I don't think I have to reveal to you or report to you.

Susan Wasoski: I don't care about the reporting part. You are accessing my files.

Comment from another councilor: Bottom line, you know what your check is, you're a smart woman. You know if you are charging on top of your check, you know you are getting paid for hours that you did not work, flex time or not. You know you are being criticized, in general, one for being on tribal council and one being an employee.

Susan Wasoski: Right and there are proper procedures to follow if you find that you think there is misappropriation of funds or of violating something and that there are proper procedures to follow, and that is all I am asking is that I be considered just like another employer, that my rights not be violated and that you follow proper procedure.
Councilor Comment: But you are not like any other employee, you are on tribal council

Councilor Wasoski: So that means that I can have my rights violated?

Councilor Comment: No if I were you, I would choose, one or the other.

Tribal Chairman: But I don't think that this is part of the issue here, whether or not she should be required to choose one or the other.

Councilor Comment: But the issue is wages and stipend.

Tribal Chairman: No, I think the issue here is how the information was accessed, and the issue is that as Susan was explaining that she feels that somehow her personnel file was accessed reviewed, and that is illegal.

Councilor Comment: That is not what I hear. I hear that there is a question about what responsibilities had been given to Sue, her going here and going to attend meetings, working on the Gaming Administration. Is she getting paid for the times that she attended Gaming Administration by her job? No?

02/20/00 ~~CLOSED SESSION~~ MINUTES

Tribal Chairman: She has to take time off from her job to go to the Gaming Administration.

Councilor Wasoski: Well, Jerry, I know, in the past that those things happened. I know that generally speaking, I mean that's the reason tribal council at one point in time wanted to put in a time clock, and you know, that is still a consideration, because the whole question of accountability is there, employee accountability. That is for discipline. If you think that there is a problem with an employee, you follow proper steps to discipline that employee, and these are not being followed. Bring it out in the open, why can't we bring it out in the open. You address the tribal administrator, who addresses the supervisor, who then looks into it. You can pull all of my employee time sheets up and recall every day, so that you can see that I have not violated any of our.....I am not double-dipping, but I want it done properly. I don't want it done behind my back, sneaky, whatever. I want it done by the policies that are in place. That is all I am asking. I don't have a problem with the treasurer reviewing checks that come before her, that is her job to do that and check sign it. You don't just sign your name to it; you review that information and make sure that you are correct. But this is going a step beyond that. This is not following policy that we have for discipline. We have all these things in place for a reason. This is to protect employees' rights.

Councilor Comments: But didn't we have a discussion at the last meeting about an employee in a different department that wasn't being viewed or monitored as other employees and perhaps that person wasn't there, and didn't you direct Dora to get with that director of that program and stop that action from happening?

Tribal Chairman: To analyze..

Councilor Comments: But it was Dora who was asked to do it. It was not tribal council.

Tribal Chairman: I did not do it myself. I told Dora that this was a director job, do it. Presumably she did it because I have not heard anything back or heard any objection from employee, although I am sure that it was enough.

Councilor Comments: Well, in some cases, Sue I think you are part-right and part wrong.

Tribal Chairman: Well, let's do it this way then. We know that there are policies in place to, either protect or discipline an employee. We know that as tribal council members, we do have the authority to be able to get into those files if we really want to, but I have never found any need to really want to, because we have Dora and all of these supervisors and managers in place to able to deal with these problems. If we feel that there is a problem with Susan from now on and feel that she is not keeping a good record of her time, we go to Dora, tell Dora here's my concern, take it up with Jeff and that is the way it should happen. If I have a problem with something that is going on in health,

02/20/00 ~~CLOSED SESSION~~ MINUTES

I don't go to our meeting, I would not go to the person that is involved and I would go to Dora I see that this is a problem and maybe it is something that you ought to do, because it is not within prevue of the tribal council member to handle personnel issues. Yes, it is within your responsibility of the treasurer to make sure that all the checks you sign are legitimately charged, and there should be receipts, and there should be proper charges against those withdrawals. When I am signing checks, I make sure that there is a receipt or there is an invoice accompanying that check, and usually by the time I get it, somebody else has already signed it, and they have already made that review so I don't have to do that.

Susan, yes we know that these policies do exist. I think there are times that we all find ourselves at fault in avoiding these policies; but the way I understood how you have your complaint, Rita's comments, and that your concern is different than what she has addressed. Your concern is, well my privacy has been invaded

Councilor Wasoski: Employees' rights are being....

Tribal Chairman: Okay, so that is an issue. Your concern is a fiscal concern. You want to make sure

Councilor Comment: We had talked about this last week that we were going to be scrutinized and that question was asked when that check was signed.

Tribal Chairman: Again, now I don't know how we so flex time. Do we have to put on your time sheet that you are flexing your time?

Councilor Comment: I have always had a problem with this flex time. It started a long time ago when the tribe was young, and the employees were wanted to get educated and we were trying to promote a way for them to go to education, maintain their job. We ran into problems continuously with flex time. You know when you spend time at a meeting or at a committee meeting, do you get that off in the morning. What I am hearing downstate is the best place to work for is our tribe, because you don't have to work, you just go to lots of meetings, get real involved with community things that are going on, and draw your pay check.

Councilor Comment: Then I have a difficult time with this too. If you are collecting 80 hours, but 40 hours of whatever you are collecting, that means that you are being paid for 80 hours for that pay period, and that includes the Friday or whatever day it was that Roger was here.

Councilor Wasoski: Correct. I get a stipend check in that 80 hour period, or that two week period I get a stipend check and that every other Sunday I get a check.

02/20/00 ~~CLOSED SESSION~~ MINUTES

Councilor Comment: One hundred fifty dollars the day that Roger Akins was here, that was the day that was in question.

Councilor Wasoski: But again, a motion had been put into the minutes to pay any tribal councilor that could attend, that motion was there.

Councilor Comment: But that was in conflict with your job.

Councilor Wasoski: If you have a problem with whether or not I was working for law enforcement, you should have addressed Dora and had Dora check into it. Dora can then find out that I had flexed the time off and there is no conflict there. But you are taking it upon yourself to go check my time sheet and that is a violation of an employee's rights. That is where I have the problem.

Councilor Comment: But are you flexing time with Dora or flexing time with your supervisor.

Councilor Wasoski: But she is the tribal administrator.

Councilor Comments: No what? No you are not flexing time with Dora or no you are not flexing time with your supervisor.

Councilor Wasoski: I am flexing time through my department; my supervisor approves my flexing of time. He has to answer to the tribal administrator. A director should go to the tribal administrator, who then would go to my supervisor to find out if that time has been authorized off. It does not sound like a complicated procedure to me. It happens.

Councilor: It is complicated and (unable to make out) this tribal council is trying to address issues of concern and well, I don't want to use the word of misappropriation, but you have to admit, Sue, that these kinds of questions were going to come up, because they are out there.

Councilor Wasoski: That is what I came up here. I am willing to talk to you about what my time is being used for. I do not have a problem with people coming in and asking me, "hey, are you on or are you off?", and "are you getting paid today for law enforcement and for tribal council?". No, because I know that I am not doing anything wrong.

Councilor: In a way, it kind of sounds like where tribal council went, when they were all things, all three things of tribal council, they were gaming regulators, and gaming administrators. They are entirely different. On one side, you are wanting

Another councilor: Wait a minute, wait a minute, the flex time that she got paid, the 8 hours, was for time that she had worked during the week or the week before.

02/20/00 ~~CLOSED SESSION~~ MINUTES:

Councilor Shananaquet: How do you know that Liz?

Councilor Liz: Well her supervisor approved it, assuming he knew...

Councilor Shananaquet: Well how did you know that? I did not even know that.

Councilor Liz: Well that is what flex time is.

Councilor Wasoski: You go through the proper procedure of asking the tribal administrator to check into it. You would have known. You don't want to ask me because you think I am going to lie to you, then ask the tribal administrator, then she has to lie to you and my supervisor probably would have to lie to you, and then I would probably have to lie to you. Do you think all three of us are going to lie to you?

Councilor Liz: Ya, but the thing of it is, that flex time that she took off was for time that she had already worked. That is how flex time is supposed to be, that travel time....

Councilor Shananaquet: Yes, I know how flex time works.

Tribal Chairman: Well, what we can do is why do we have flex time now and not the old comp time is because I think we can't use comp time anymore, because we would have to pay time and a half or overtime. So if we want to go back to that system.

Councilor: But then there are two kinds of systems. As far as I know, I have not read the personnel record, but flex time and comp time are still there as far as I know. It is one or the other.

Tribal Chairman: I don't think so. I don't think that they use comp time anymore, unless you are an exempt employee and they are paid time and a half in comp time. Now the exempt employees who are all considered managers, they can not get paid time and a half. They have to flex their time, so that is why this convenient flex time was.

Councilor: But if we want to go back to comp time, we still can.

Councilor: Well I think we should look at it, because.....

Well if you are taking comp time off, then you still are on an official leave. So if you do take comp time, then you can come in and do tribal council duty and expect to get compensated as council members do. It is like, if you are on sick leave, then of course you would not be here; but if you are on vacation time to cover your work as tribal councilor you would be expected comp time

This has been working really well compared to what we had before. We did away with comp time that was a mess.

02/20/00 ~~CLOSED SESSION~~ MINUTES:

Councilor Wasoski: I have people out in the community that criticize me, because one day very early into my term, I took vacation time to attend a tribal council Monday meeting that we had to carry over from Sunday, and I don't consider that double-dipping but people had a concern about it so I started taking time off without pay, even though I had vacation to use available to me because they considered that double-dipping; so you know that I am scrutinizing myself, to take time off without pay. I no longer receive sick time for that week nor do I accrue any vacation time for that week. I took less than 40 hours' worth of pay. So I am penalizing myself, and I just want to be dealt with fair.

Councilor: Which I feel you have every right.

Tribal Chairman: Well that is the reason I asked before, if there are any sanctions or penalties have on tribal council for these types of infractions? If we violate somebody's civil rights, or for instance, so what, there are no penalties?

Councilor Comment: It is a difficult road we walk, because we walk both sides continuously and Sue has to walk it too because she has another side, which is her employee side; one hand as a tribal citizen and other hand as state government citizen. We are always going to have that duty.

Councilor Law; Okay, also under the personnel policies, under political activities, it says employees engaging in opportunities may not charge any cost concurrent in the course of these activities, but she was mailed a collective stipend if she was on any comp time. I do remember, there is a political....I have not read it in a long time, but there is supposed to be no political involvement with employees.

Tribal Chairman: Where would there be any political involvement?

Councilor Response: Political involvement is _____ on tribal council; don't you think that is political involvement?

Tribal Chairman: Ya, but how are we involved in political involvement, campaigning contributions?

Councilor Response: No, _____ itself is a political involvement.

We can't be doing political activity under the 638 contract fund. I know, that is what Rita just read.

Councilor Law: Well it is in the personnel policies, as that is where it comes from. The 638.

02/20/00 ~~CLOSED SESSION~~ MINUTES

Councilor Shananaquet: You see, we receive stipends from 638 from our indirect budget and we can't do political activity. We have signed certifications that we don't.

So the certification you signed has been revised?

Councilor Wasoski: I am not talking about the 638 contract.

Councilor Shananaquet: I know, but you are paid through 638.

Councilor Yellowbanks: No we are the political entity.

Councilor Comment: What I am saying, is we, the tribe signed a certificate that we won't do any political activities to receive 638 funding. Your stipends are paid through 638 and the indirect budget. The tribe is certifying that the tribal council is not doing political activities. We certified that contract to get that funding.

Tribal Chairman: So in essence, then, if you are turning in anything that we do, as part of the tribal council that is political, then you can not receive a stipend.

Councilor Yellowbanks: That is all right with me, but you know what, I thought outside political because everybody knows that 638 is the Federal government. Everybody knows that the 638 comes through the government, it is coming from the political entity of the government. Every one knows that there is a tribal council chair budget and a tribal council budget that is supported by 638, that is the government.. I think you are confusing what political means.

Comment: Ya, I would like to clarify that with Jerry Parish or somebody to see what is exactly meant by that.

Comment: Ya I think it has to do with Republican and Democratic backing.

Anything that we do as tribal council members is political. Then what you are saying is that we can not pay ourselves stipends.

02/20/00 ~~CLOSED SESSION~~ MINUTES

Tribal Chair: Well, then, so how do we penalize ourselves if we do those kinds of things, if we are at fault in some of these scenarios that we have brought up here? There are no penalties that we can impose upon ourselves or because there is nothing in writing. So what we have to do is whatever we have in place, let's observe those. We have a process that we use to get at certain kinds of issues, to resolve issues, let's use them and I think that is all we are asking each other to do. We have got some things in place.

The entire issue has been brought to the table, we have discussed it. I don't know if the only way we can resolve it, is to understand that these things are in process. They are in writing. All we have to do is follow them as the policies and procedures have been established. That is the only thing we can do at this time. That is the only resolution I can think of.

Another councilor comment: Well we can go out of closed session.

Councilor Yellowbanks: Well are we in agreement that the Council Treasurer has the right and ability to monitor records and review records.

Tribal Chair: As that treasurer signs the check, certainly. If the document accompanies the check, you know there is an invoice that comes with the check, and make sure that that invoice is, say the check is for 100 dollars and make sure that invoice is for 100 dollars. If it is a time sheet, then there is approval by the supervisor, we must accept that approval. If we don't accept it, then we have to go to the Tribal Administrator and say here's a problem.

Councilor Comment: I make a motion that we go out of closed session.

Councilor Comment: I second it.

Tribal Chair: All in favor say "aye", aye; opposed. The motion carries.